

1 Greg L. Lippetz (State Bar No. 154228)
glippetz@jonesday.com
2 Cora L. Schmid (State Bar No. 237267)
JONES DAY
3 1755 Embarcadero Road
Palo Alto, CA 94303
4 Telephone: 650-739-3939
Facsimile: 650-739-3900

5 Attorneys for Defendant Nokia Inc.

David N. Kuhn (State Bar No. 73389)
Attorney-at-Law
144 Hagar Avenue
Piedmont, CA 94611
Telephone: (510) 653-4983
E-mail: dnkuhn@pacbell.net

Attorney for Plaintiff Gregory Bender

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

12 Gregory Bender,

13 Plaintiff,

14 v.

15 Nokia Inc.,

16 Defendant.

Case No. C09-01247 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SELECTED
ADR PROCESS**

18 Plaintiff Gregory Bender ("Plaintiff") and Defendant Nokia Inc, ("Defendant"), through
19 their respective counsel, hereby make the following stipulation:

20 WHEREAS, on October 2, 2009, the parties filed a Stipulation and Proposed Order
21 Selecting ADR Process, which selected Court Mediation Process under ADR L.R. 6. (D.I. 28).

22 WHEREAS, on October 6, 2009, the Court granted the proposed order and referred the
23 parties to Court Mediation Process. (D.I. 30).

24 WHEREAS, the parties now wish to change the designated ADR process to private
25 mediation.

26 THE PARTIES HEREBY STIPULATE THAT:

27 (1) This case will be removed from the Court Mediation Process.
28

1 (2) The parties instead stipulate to private mediation with mediator Randall Wulff of
2 Wulff, Quinby & Sochynsky, or, if Mr. Wulff is unavailable and both parties agree on a different
3 mediator, with a different mediator.

4 (3) The private mediation will be completed by 90 days following the issuance of the
5 claim construction order in this action.

6 Respectfully submitted,

7 Dated: April 1, 2010

Jones Day

8
9 By: /s/ Gregory Lippetz

10 Greg L. Lippetz
11 State Bar No. 154228
12 JONES DAY
13 Silicon Valley Office
14 1755 Embarcadero Road
15 Palo Alto, CA 94303
16 Telephone: 650-739-3939
17 Facsimile: 650-739-3900

18 Counsel for Defendant Nokia Inc.

19 In accordance with General Order No. 45, Section X(B), the above signatory attests that
20 concurrence in the filing of this document has been obtained from the signatory below.

21 Dated: April 1, 2010

22 By: /s/ David Kuhn

23 David N. Kuhn
24 Attorney-at-Law
25 144 Hagar Avenue
26 Piedmont, California 94611
27 Telephone: (510) 653-4983

28 Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

29 DATED: April 6, 2010

30 By: Maxine M. Chesney

31 THE HON. MAXINE M. CHESNEY
32 United States District Court Judge

33 SVI-78472v1